

1608/3358.
EARL of BELLAMONT,

SPEECHES,

IN THE

HOUSE OF LORDS,

ON

FRIDAY THE 13th AND MONDAY THE
16th FEBRUARY, 1789.

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JAMES M. HARRIS

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H E A D S

OF THE

Earl of Bellamont's Speech

UPON THE

Motion for adjourning the Consideration of a Message from the Commons, desiring the Concurrence of the Lords in the Address of that House to the Prince of Wales, *requesting his Royal Highness to take upon him the ^{Regency} Government of this Kingdom.*

House of Lords, Friday 13th February, 1789.

LORD BELLAMONT said, that although the question of adjournment was the only question before the committee, he would take that opportunity to meet the principle of the address with that fairness and fullness with which he ever had and ever should meet every question in that House. That he was further induced so to do, lest lords might feel their delicacy committed with regard to the general question, by

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having taken their ground upon the question of adjournment, before they were apprized of the nature and tendency of the address. Having desired the clerk to read the address, his lordship said he did not hesitate to affirm *that it was inadmissible; that it was founded upon assumption of authority, in violation of original compact, and subversive of the Imperial Constitution of England and Ireland*; a position which he pledged himself to establish before he sat down, as well from those principles which direct and regulate the formation of civil government in the abstract, as from the *common law of England and Ireland*, and from the *statute law of this realm*. He said that if in the entire range of human affairs there be a principle uncontroverted and incontrovertible it is this, that in the distribution of the several powers of every state, which in any sort partakes of a monarchical nature, the *executive and federative be resient in a unity of person, quoad that state*. That to deposit those powers in the hands of different persons, or to render them subject to controul, so far as they extend by the constitution of that state; would necessarily induce distraction in its councils, publicity in its negotiations, and inefficacy in the execution of its measures. That the same principle which in a simple monarchy requires a unity of executive



tive with regard to itself, does in conjunct empires composed of more than one monarchy, demand that the unity of person as to each, be reduced to an identity of person as to both. That, as in simple monarchies, a divided executive would necessarily be followed by weakness; so in conjunct empires, a disunited or different executive must be instantaneously productive of confusion. Under such a government the empire collectively taken, would at one and the same time be exposed to peace and war with one and the same powers; the same articles would at one and the same time be lawful and contraband. In a word, that a government thus constituted, would involve such a political and commercial chaos, that the resources of the state being thus turned against itself, it would fall with rapidity in proportion to its own weight, if not prevented by separation, which would in the end effect that ruin it vainly endeavoured to avert. He said he was almost ashamed to trouble their lordships with this A B C detail; but when the constitution is attacked in its very foundation, it can only be defended by recurring to its fundamental principles. Upon these principles it was that Henry II. a great and politick prince, so soon as he had obtained a footing in this kingdom,

called upon the people of Ireland as follows: Already king of England, do you recognize me Lord of Ireland, I will be equal father over both. You shall have like liberty, like law administered in like manner by your own legislature; in a word, like constitution as my people of England. You shall enjoy civil, real, personal, commercial, judicial, and legislative rights at home, political security abroad; upon this simple condition, *that I, my heirs and successors be henceforth for ever recognized and acknowledged Lords of Ireland.*

THE PEOPLE OF IRELAND had the wisdom to close in with those terms as proffered by the British Monarch, thus establishing A UNITED EMPIRE IN A UNITY OF EXECUTIVE FOR BOTH REALMS.—

He said he would not trespass upon the House by entering into minutiae as to those remote times, the records of which were only to be found in prescription; he would carry their lordships forward to an æra, at which the enlightened policy of the age did, in the entire tenor and spirit of each act, emphatically declare the great end and object of it. The first statute to which he should call their lordships attention was, the 10th of Henry VII. commonly

commonly called the law of Poyning; a period almost four hundred years distant from that to which he had at setting out alluded; during all which time, our recognition as to the crown of Ireland had invariably followed the appointment to the crown of England. He here observed, that as the object of this act was to maintain the dependence of the crown of Ireland upon the crown of England in the exercise of the legislative powers of the parliament of Ireland; the silence of this statute with regard to the principle which it went to maintain, combined with the invariable practice which he had just now stated, more powerfully asserted, that such was the *common law of both kingdoms*, than volume so of Declaratory Law could have established.—The next statute, to which he should refer, was the 28th of Henry VIII. Chap. 2. entitled “An act of Succession of the King and Queen Anne;”—the object of this act being to disannul the marriage of Catherine of Aragon, and to illegitimize her issue, transferring the succession of the crown to the heirs of Anne Boleyn the then espoused consort; it sets out with a declaration of the common law of both kingdoms; founding the title of the King and his heirs to the crown of Ireland, upon his right and title to the Imperial Crown of England, under the following

following express terms, viz. "where unto this your land of Ireland is appending and belonging." Thus far, said he, the annexation of the crown stands established by double proof. By the silence of the one act, the object of which was to maintain the principle in the exercise; and by the express declaration of the other, claiming the right, by virtue and authority of the principle.—The next statute to which he adverted was the statute of Hen. 8th. Chap. 5. "authorising the king, his heirs, and successors, to be supreme head of the church of Ireland." His Lordship's comment upon this statute was, that although it passed in the very same session, and subsequent to that, recognizing the right of the King and his heirs to the Crown of Ireland; the Parliament of Ireland again set forward his right to the Crown of England, as the most constitutional title to the Crown of Ireland, limiting the succession of his heirs to the Crown of Ireland under these restrictory words, "being Kings of the said Realm of England:" and this at a time when every idea of merging or extinguishing the crown of Ireland in the crown of England, was so remote from the intention of that act, that it is therein expressly enacted, that the King shall be accepted, taken, and reputed, the only supreme head on earth of
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the whole church of Ireland, called (*not Ecclesia Anglicana* collectively,) but *Hibernica Ecclesia*; thereby maintaining and preserving the rights and prerogatives of the Crown and kingdom of Ireland, clear, distinct, and entire, as well in Church as in State.

The next statute, his Lordship brought forward was the 33d of Henry VIII. chap. 1. entitled an act, "That the King of England, his heirs and successors be Kings of Ireland." He here applied to the House and asked, do you construe this act a declaratory law, or an enacting statute. Do you say it is a declaratory law, you cannot withhold from it the validity of common law prescription. Do you say it is an enacting statute, you instantly cloath it with the authority of express statute law. The fact is, it is both declaratory and enacting. Declaratory of the principle as to the time past; enacting with regard to the right and principle for ever, as to the time to come. His Lordship next referred to the 2d Eliz. chap. 5. "An act of recognition of the Queen's highness title to the Imperial Crown of this realm." He here stated, that although the right of Elizabeth had been recognized by this kingdom by the 28th Henry VIII. ch. 2. that altho' no bar to her said title was ex-

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tant by any law of Ireland, save only by a subsequent act of the 28th of that Monarch *, and by the 3d and 4th of Philip and Mary ; the repeal of which former act so far as relates to the divorce of Anne Boleyn, and to the illegitimacy of Elizabeth, and the repeal of which latter statute, so far as relates to the confirmation of the marriage of Catherine of Aragon, and to the legitimizing of Mary, would *ipso facto* have done away said bars, leaving the recognition of Ireland as touching the right and title of Elizabeth to the crown of this realm, in full force and effect ; the Parliament of Ireland considered it a more constitutional proceeding, to invest her with the crown of Ireland by virtue and authority of the English statute made at Westminster in the 35th of Henry VIII. notwithstanding that the statute of Westminster had never been until then adopted by this kingdom.

Thus far, said his Lordship, for the proceedings of the Parliament of Ireland with respect to the principle of annexation, previous to the revolution. He said he would now call the attention of the House to that memorable æra, at which the wisdom of our ancestors renovated and established

* This act is not to be found upon the Statute Books.

the constitution, by defining the distinct lines and rights, as well of the respective crowns with regard to each other, as of the several departments of each kingdom with regard to itself. Having read the preamble to the 3d and 4th of William and Mary, intituled "An act of recognition of their Majesties undoubted right to the crown of Ireland, so farasmuch as this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and statutes of this kingdom, is declared to be justly and rightfully depending upon, and belonging and for ever united to the same, and the Kings and Queens of England are by undoubted right Kings and Queens of this realm"—He demanded is there any man without doors, for certain he was there is no man in either House of Parliament would wish to do it;—is there, said he, any man without doors who has the hardiness to question the authority of this statute. Should any man dare to call it into doubt, he would tell such a man, this statute is the basis of that sacred superstructure the 2d of Queen Anne. He then stated to the House the 9th of William III. entitled "An act to hinder the reversal of several outlawries and attainders," an act by which, said he, the Parliament of Ireland limited and controuled the King of Ireland in the exercise of

the highest prerogative of the crown, the **ATTRIBUTE OF MERCY**. He here observed, that the criminality set forth against the Earl of Tyrconnell, whose attainder it went to render irrevocable, was founded upon this charge; that whilst Lord Lieutenant of King James II. then as yet Monarch of Ireland, he had opposed King William, as yet *unrecognized by Ireland*; claiming the crown of Ireland, under the sole appointment of *the Lords and Commons of England*. Your Lordships, said he, are now to turn your eyes to the 2d of Queen Anne, ch. 5. the first in magnitude, though last in order of time, the great consummation of all our wishes; that from which we derive every blessing we enjoy under the illustrious and auspicious house of Brunswick; an act, which derives its own authority from the 3d and 4th of William and Mary, which latter is itself founded upon the great charter of our liberty, the **BILL OF RIGHTS**.

Such, my Lords, is the basis upon which I found the principle of unity of executive,—a principle which notwithstanding repeated insurrections and rebellions in both kingdoms, has stood the shock of time for a series of upwards of 600 years; during which, the respective crowns of the united realms, have seven times changed

changed the line of succession ; during which Ireland maintained, and unremittingly asserted her fundamental right to a free independent legislature, as well exclusively as inclusively ; a principle in fine of so sacramental a nature, that the capricious tyrant Henry VIII. who made and unmade at will, laws human and divine, bowed down before it. Such, his Lordship said, it must be acknowledged was the constitution prior to 1782. He would now investigate whether the renovation of right which took place at this latter æra, has in any thing, or in what, altered the constitution of Ireland with regard to this principle. The grievances stated in the articles of the 17th of April, were four in number, viz. a perpetual mutiny bill, the claims of Great Britain infringing upon our legislature and judicature, the interference of the Privy Council, in originating and suppressing of bills, and the practice of altering them in their progress, there and elsewhere. With regard to the mutiny bill, his answer was, that as standing armies were unknown at the time that our original compact took place, a mutiny bill whether limited or perpetual, could not form any part of our original constitution. With regard to our legislative and judicial rights, of which the 6th of George I. alone claimed by right to deprive us ; as that

claim was not set forward until upwards of 500 years subsequent to the reign of Henry II. it could not either, form any part of our original constitution. With regard to the law of Poyning, the object of which was to maintain a unity of executive, in the exercise of legislation; his answer was, that the law of Poyning is not repealed, but modified. It is indeed purged of every infringement upon our legislative rights; but the dependance of the crown of Ireland, upon the crown of England, is by the provision in the 21st and 22d of the King, ch. 47, which modifies that act, kept alive and preserved, by this express stipulation. “ That all such acts as shall be returned into this kingdom *under the Great Seal of Great Britain*, without addition, diminution, or alteration, and *none other*, shall pass in the parliament of this kingdom.” He was therefore founded to conclude, that the renovation of right in 1782; so far from altering the constitution with regard to the dependence of the crown of Ireland, upon the crown of England, has in the renovation of our rights, renovated that principle likewise, inasmuch, that the condition being thereby recognized in its fullest extent on the part of Great Britain, the obligation is rendered by so much the more forcibly binding on the part of Ireland. His Lordship having then
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called for the Lords Journals of the 17th of April 1782, read the address of that House to the King, setting forth the grievances of this kingdom; commenting on said address, paragraph by paragraph, in support of the above statement.

He said it remains to consider, whether this principle of **UNITY OF EXECUTIVE** with regard to the appointment to the **CROWN**, does in any thing, and in what, vary when applied to the appointment of a **REGENT** to this kingdom. He need but observe, that every attempt to draw a line between the appointment to the *one*, and the appointment to the *other*, is a distinction without a difference. The function of the Sovereign, is to maintain, and exercise, the powers of the third estate, namely the executive. The function of the **REGENT**, is to supply the deficiency arising from the indisposition or incapacity of the **SOVEREIGN**, as to the exercise of those functions. Thus, the function of the *Regent*, so far as it extends, being one and the same with that of the *Sovereign*, it follows from every principle, both of law and reason, that the right of appointing to the *Regency*, is inherently attached to, and inseparable from the right of appointing to the *Crown*.

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Let us then for a moment suppose that the principle which you are labouring to establish, should in the present instance take place; that by anticipating the appointment of the Lords and Commons of England, you should appoint one person to the *Regency of Ireland*, whilst they (which is yet possible), may be reduced to the necessity of appointing a different person to the *Regency of Great Britain*. What would be the situation of the *Regent of Ireland*, or what the situation of a *King of Ireland*, appointed in such manner. Endowed with the regalia of sovereignty, but arrested in the exercise of every regal power. He would have a military establishment without law or subsistence; a civil establishment without salary; a board of revenue without excise; a board of treasury without revenue. Compelled to transmit under the great seal of Ireland every bill which should pass her Lords and Commons, precluded even from the return of every bill which should not receive the great seal of England, which great seal is under the dominion of the King or Regent of that realm; he would be a third estate without a negative in the first instance, without a faculty of assent or affirmative in the last. Such would be the supreme sovereign monarch of Ireland, a *Rex qui Regem habet*, such the imperial independent

pendent realm of Ireland; *a regnum quod alio subjicitur regno*. Thus, my lords, said he, so often as the imagination overleaps all bounds of right, it instantly loses sight of all principles of reason. Much has been said with regard to the principles of contending parties in Great Britain: The subject transcends all party considerations, as much as the high personage who has been more than once improperly alluded to, is placed above all possible reach of rivalry. Limitations and restrictions have been likewise touched upon, and somewhat bordering upon implied suspicion, has been more than once glanced at. With regard to restrictions, he had not fully considered whether or no assimilation may require that they be followed up so far as they apply to this kingdom. With respect to the implied charge of suspicion, he would ever be foremost to say that every quality of the Prince of Wales, even the overflowings of those qualities, if he might presume to make use of the expression, refuted every such idea. He entreated noble lords not to wound his ears with insinuations, which no heart was so depraved to conceive, no tongue so daring to utter; which could not have obtained the vehicle of human breath; but that those noble lords from whom they had transpired, felt their own indemnity

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in the *quo animo*; in which they claimed to urge them. He said that next to the King, he loved and honoured the Prince of Wales; that he considered their interest one and the same—put us to the test—let the commons send forward a vote of credit into this house—we will glory in curtailing our personal parade, to support the eclat of the Prince, the splendor of the Regent, without diminishing the inherent dignity of our beloved monarch or his truly amiable and royal comfort.

He said attempts had been made to argue *ab usu ad abusum*. It had been asked, suppose Great Britain had nominated any other person than the Prince of Wales, or had nominated his Royal Highness under such restrictions and limitations as he could not accept, would Ireland have been bound to follow so extravagant a proceeding? His answer was, that before their lordships could take credit for that argument, they must first prove that the restrictions imposed upon the Prince, are so subversive of the British constitution, as to dissolve her entire government within herself; or so invasive of the rights of Ireland as to dissolve our original compact with Great Britain.

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He then said, my lords to return. Having shewn your lordships that *unity of executive* is a principle founded not only in law but in reason ; that it is not only the common law of the land in both kingdoms, but the express statute law of this realm, as appears from this chain of acts of your own parliament from 1495 down to the present time. Having shewn your lordships that as such was the fundamental principle of the constitution from the earliest period to 1782 ; the renovation of our rights which took place at that happy æra, did with the renewal of the constitution renew in original force that fundamental principle of it : Let us now take a view of the consequences which will necessarily follow, should you this night run counter to, and violate that principle. What were the proceedings of the Lords and Commons of England upon the heartfelt calamity which this address affects to supply ?—They first recurred to precedent ; when it fell short they had recourse to principle. They reason thus. Possessed of the power of nominating to the Crown, in case of an entire lapse of the Crown ; the right of nominating to the Regent, not being otherwise provided for by law, necessarily devolves upon us. Thus as their right to nominate to the Crown, was the principle from which they deduced their

authority to appoint to the Regency) should you this night establish your power *de facto* to nominate to the Regency, it will hereafter be adduced as an argument, to claim *de jure* the right of nominating to the Crown. As Great Britain declared that the *major* included the *minus*, Ireland will tell you that the *minus* implies the *major*, and thus you will sever the British empire, from its summit to its foundation, by inverting every rule of proceeding, as you are subverting every principle of right. You will be pompously told, in vain has Ireland recovered an independent legislature, in vain does she enjoy all the blessings of civil liberty at home, of political security abroad; she can never shine conspicuous in the eye of nations, until she has resumed that first, and glorious prerogative, the right and exercise of conferring the sovereign power of the state. You will be told, in vain, have you established the principle, so long as these indignant manacles*, which have been surreptitiously imposed upon you through the medium of your own Parliaments, are suffered to remain on your statute books; that they, with the authorities under which they derived, were obtruded upon you

* The Catalogue of Statutes upon which he had argued.

and recognized by you *in fraudem legis*, in injury of your rights, in violation of your constitution. Do I say such is the language which will be held out hereafter, alas! my Lords, such is the language, and such are the principles, which, whilst I am speaking, are held out and disseminated through the kingdom by men of no mean talents or vulgar acquirements. A sweeping construction which by destroying every connection between Great Britain and Ireland, cuts up by the roots the right and title to every forfeited estate from the earliest day to the present hour.

He continued: if blind to the letter of the law, and deaf to the voice of reason, if regardless of yourselves and your posterity, you yet obstinately persist, I charge you by your allegiance and attachment to the best of Kings, by your attachment and adherence to the Heir Aparent and their posterity; take heed, that your intemperate zeal do not shake that throne, the rights and prerogatives of which it claims so ardently to maintain. Should this address be adopted this night, which GOD FORBID; *the crown of Ireland*, is from that moment set adrift, insomuch that the very hour Great Britain shall have appointed a Regent; that is so soon as an Irish act of Par-

liament can obtain the Great Seal of England, my first care shall be to introduce into this House, a bill re-enacting, the 2d of Queen Anne, *for the better securing and settling the succession of the Crown of Ireland*; that however I may have been baffled and defeated by numbers, in the maintenance of the permanent principle of *imperial annexation*, I may at least, save the REGAL DIADEM, to the Royal Father, the Heir Apparent, and the Royal House, amidst the wreck and ruins of the Constitution,

HEADS

H E A D S

OF THE

Earl of Bellamont's Speech

UPON THE

Report of the Committee for taking into Consideration
the Address to the Prince of Wales, *requesting his
Royal Highness to take upon him the Regency of this
Kingdom.*

House of Lords, Monday 16th February, 1789.

LORD BELLAMONT who rose in reply to Lord Pery, said, that when the learned Viscount had suggested "that every difficulty might be removed by adding certain words at the end of the address importing that bills would be transmitted to Great Britain conformable thereto," he did expect his Lordship would likewise have suggested that certain words should be withdrawn from that address; for so long as the preceding
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part of that address be suffered to remain, it is not in the power of words to qualify or render it constitutional or legal.—He said you are now about to put the last hand to that act, which forever separates the united sister kingdoms.

In God's name of what have you to complain, or to what would you aspire? Do you complain of the compact itself? It was the sovereign act of the people of Ireland in treaty with the British Monarch. Do you complain of the principle? It is a fiduciary deposit committed by the people of Ireland to the Lords and Commons of England, a portion (if you will) of the sovereign power of the people of Ireland, thus transferred by the people of Ireland, for the mutual benefit of both kingdoms. In the name of common sense; with whom save only the Lords and Commons of England could this trust be deposited. Not with the King. The object is to supply the lapse of the crown, or any deficiency which might arise in the exercise of the regal function. Not with the Lords and Commons of Ireland. The treaty was not between the people of Ireland and the Parliament of Ireland, but between the people of Ireland and the King of England, for the purpose of uniting the crowns of both realms. Not with any foreign Potentate.

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That would be to introduce an *imperium in imperio*, a fourth estate, which being foreign to each, would be subversive of both. With whom then could this trust be deposited? With the Lords and Commons of England alone; not in their legislative, but in their political capacity; the two surviving estates thus representing the British state, for the sole purpose of restoring the third estate, by appointing to the executive of both kingdoms. Once more I ask, what is the nature of this trust? It is a transfer of a portion of the sovereign power merely *quoad hoc*. A power which expires in the very exercise. A power which having fulfilled its function, lies dormant until revived by a return of the occasion; sending back the party to whom it was committed, to a perfect parity with that from whom it was received. A power which as it must appoint upon equal terms for the latter, as for the former, cannot be abused. A power in fact, which the lapse of time, together with every distraction arising from repeated insurrection and rebellion in both kingdoms, have in a period of 600 years and upwards, called into action seven times only at the utmost. He conjured his countrymen not to suffer themselves to be deluded and carried away by ideas which do not apply, by suggestions that this deposit

on the part of Ireland, contains in it even a shadow of subordination or inferiority to the sister kingdom. The dependance it creates is not that of the Parliament or people of Ireland, on the Parliament or people of England. It is simply this. A dependence of the crown of Ireland, on the crown of England. In other words, *a unity of executive upon equal terms to both kingdoms.* He appealed to the understanding of men as well without doors as within, could one single argument be adduced against this trust, or against the principle of this trust, which would not equally apply against every trust, against every transfer, of every portion of natural liberty, for the benefit and security of civil society and government.

He continued, since then no complaint can be urged against the compact itself, or against the principle upon which it is founded; have you any to advance upon the abuse of that principle. By your address of the 17th of April, 1782, (which I stated to you on Friday last). You emphatically declare the very reverse; "that the crown of Ireland is inseparably annexed to the crown of Great Britain, on which connection the happiness of both kingdoms essentially depends;" and in your address of the 28th of May you further

further declare, in expressions of the warmest acknowledgement, that " his Majesty may have the firmest reliance upon the good faith, generosity and honour of this nation." To what then do you aspire by this address. To sacrifice a substance to a shadow, to exchange your rights, liberties and security for an ideal prerogative, which you yourselves transferred for the wisest purposes.

Thus unhinging your settled constitution, destroying your national credit, undermining your personal rights and titles, even to your estates and honours, by overturning the authorities under which you derive them ; and this upon terms *of violating your solemn compact*, almost as soon as renewed.

He here took a view of the several arguments which had been advanced in support of the address, shewing the inconsistency of the measure, from the incoherence of the principles upon which it was supported. The Revolution had been adverted to. The proceedings of the Lords and Commons of England, at a time when the throne was vacant, were set up as a precedent for the Lords and Commons of Ireland, at a time when the throne is, blessed be God, full ; a

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precedent which in the present circumstance has not been found to apply to Great Britain herself. A precedent which in no circumstance, could from our constitution apply to Ireland. A noble Baron who had taken a leading part in the debate, had positively asserted that the address is of itself alone, a legal conveyance of the Regency of Ireland ; nay more, that it was the only legal conveyance which from the nature of things could take place ; founding his assertion upon this argument, that as no bill could be carried into a law until the third estate, namely the executive be previously restored ; the appointment to the Regency must precede, not follow, the passing any bill whatever. Whilst a noble and learned Viscount, who is equally strenuous in support of this measure, did as positively assert that this address was not, nor could not be in law a conveyance of the Regency ; it was nothing more than an invitation to the Prince of Wales, praying his acceptance of that office, and notifying to his Royal Highness the intention of the parliament of Ireland, to transmit bills to legalize their appointment to it ; conformable to which intention the learned viscount had suggested the addition of those words which he (Lord Bellamont) had stated at setting out. His Lordship continued, let us consider how
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the respective arguments will stand when collectively taken. The noble Baron asserts that the address alone is a legal conveyance of the Regency of Ireland, a doctrine in which his opinion is backed by the opinion, of high legal authority. The learned Viscount, who is himself authority of high legal weight, on the other hand asserts that the address, if not followed by bill, is mere matter of compliment and nothing more; proposing as an all sufficient expedient, to legalize the illegality of the noble Barons conveyance of the Regency, by transmitting bills, which the noble Baron insists must be in their nature illegal, for want of an executive to give them the force of law. His Lordship again appealed to common sense, what must be the merits of a cause for which the united powers of shining talents and unquestionable legal knowledge are obliged to recur to such a defence. Again, the learned Viscount has said, that Ireland has an undoubted right to create a Regent to herself; that nothing could be feared from the exercise of that right, for this plain reason, that if in the exercise of that right she departed from the appointment of Great Britain, the Regent so created would find himself controuled in every legal act, the great seal of England not being under his dominion, but under that of the

Regent of England. His Lordship conceived that argument answered itself. The learned Viscount has asserted that the right of Ireland to nominate a Regent to herself is clearly established in this, that *no law* is to be found declaring or enacting that Ireland shall *not* appoint a Regent to herself, or providing for that appointment elsewhere.

LORD BELLAMONT said, my answer is, the appointment to the crown of Ireland, in case of an entire lapse of the crown, does both by common law and statute law follow the appointment to the crown of England.—I therefore come forward with THE PRINCIPLE. Let the learned Viscount bring forward *his exception* if he can.—I claim it for an established maxim in law, and I speak it in presence of the learned; that as the greater power includes the lesser, the right of appointment to the inferior office necessarily follows the right of appointment to the superior, unless the appointment to the former, be by express law transferred to some other department. With deference therefore to the learned Viscount, I do assert, that the appointment *to the Regency of Ireland*, does by direct inference of law, follow *the right of appointment to the crown of Ireland*, unless the learned Viscount can come forward

forward with a law expressly excepting and transferring the appointment of the Regency of Ireland to the Parliament of Ireland ; an exception which the very basis of his own argument precludes ; the learned Viscount having founded his plea upon this, that the circumstance being original, no precedent can be found to apply, no law can be produced declaring or enacting that Ireland has not the right and authority of appointing a Regent to herself : The learned Viscount thus labouring to establish his negative claim upon his positive want of title.

He said it has been asked, shall we refuse our concurrence with the address of the House of Commons. No man could entertain a higher respect than he did for that honourable House, or for the persons of many of its members ; but so often as he should see them however unconsciously exceed or run counter to the strict lines of the Constitution, so often would he exercise the controul with which the Constitution has vested him in matter of law, with which the law and usage of Parliament have vested him in matter of resolution and address as in the present case. It has been re-echoed within these walls, that the address on the table stands sanctioned by the Commons of Ireland, and by the voice of the

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the nation. He did admit the assertion so far as relates to the Commons themselves, but he denied it *toto animo* as applying to the nation at large.

He said that in 1172, the people of Ireland treated in person with the British Sovereign. That in 1782 the people of Ireland treated he would say in person, through the Sovereign of both kingdoms. Thus as the original compact which was the foundation of our rights, was the personal act of the people of Ireland; in like manner the renovation of our right was again the personal act of the Irish nation, transmitted only through the vehicle of their representatives, acting under their express instructions.—When the rights of Ireland were to be renewed, an appeal was made by the representatives of the people, to the people. Instructions were applied for from every county, city, and almost every borough throughout the kingdom. Committees were appointed in every district which returned representatives to Parliament. Every measure to be pursued being by them duly weighed and considered, every grievance to be stated, every redress to be demanded; was the personal requisition of the people. Such were the proceedings of the representatives and
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people of Ireland, when the original compact and inherent rights of Ireland were to be renewed. Has any such appeal been made in the present instance? have instructions been called for? have counties, cities and boroughs been convened for the purpose of considering this all inclusive measure? or have the people taken the lead and sent forward their instructions to this effect? No such thing.

The people of Ireland are a manly people; they will not steal upon the cabinet while the monarch sleeps. The people of Ireland are a grateful people; they will not forsake the best of kings whilst his mortal frame succumbs under more than human anxiety for the welfare and happiness of his subjects.

The people of Ireland are a liberal people; they will not surprise the unsuspecting generous feelings of the Heir Apparent, turning his princely qualities against himself. The people of Ireland are a wise people; they know the law and the value of the law. Jealous of their rights they will not suffer those rights to be subverted, nor the law to be superseded by a resolution of either or both Houses of Parliament.—Who are the people of Ireland? The
aggregate

aggregate of sense, information, principle, character and honour of the entire Irish nation, which is not contained within these narrow walls, or within the scanty diameter of another House; THE SOURCE from which THE FOUNT OF HONOUR does itself derive; the tribunal to which all delegated power is mediately or immediately accountable; A TRIBUNAL before which *violation of compact* ever has and ever will stand self condemned.

He said, let us now take a view of the proceedings by which this address has been brought before us. It was pressed forward in the Commons in order that the nomination of the Regent in Ireland may not follow, but precede the appointment of the Regent in England. It has been kept back in this House, in order that the communication as to the former, may not precede, but follow the appointment as to the latter.

Thus stealing a principle upon the constitution, by transferring the authority of a British act of state, to the unauthentic resolution of the Lords and Commons of Ireland.

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He said that as the learned Viscount had suggested one proposition, he would now come forward with another ; (here there was a general cry of hear him, hear him.) As soon as the clamour subsided, his Lordship said his proposition was, that their Lordships should cloath that address *talis qualis* with the form of a bill, and that they should that night, if they would press it forward through both Houses, transmit it to Great Britain. He pledged himself that upon these terms he would withdraw all opposition as to himself ; he would upon that ground for once presume to pledge the noble Lords with whom he acted, that they would withdraw their opposition likewise.

He said my noble Lords, you will not take me at my word, I know you will not. You know full well how such a bill would be received. You know the trusty Guardian of the Seals would put his hand into the fire, e'er he would put the Great Seal of England to such a bill.—You know the desperate adventurer could not be found to dare to do it.—The Lawgiver might forfeit the confidence of the Prince, but the law would not forego his veneration ; and therefore it is that you have recourse to *this address* ; be-

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cause

cause as it has not weight to bring it to the TEST OF LAW, it has not stamina to be confronted with THE PRINCIPLES OF THE CONSTITUTION.

He said my Lords, one word more. With regard to the principle of unity of executive we are all agreed. The only existing difference is how far that principle does apply to the case now before us. Without relinquishing my legal ground, I shall ever be ready to meet noble Lords upon the general ground of expediency and wisdom, abstracted from every other claim or consideration.

I call upon you in your high capacity of hereditary judges of the land, of hereditary counsellors of the King, to lay your hand upon your breast and to declare the verdict of your dispassionate understanding. Will not Great Britain have reason to complain. Will she not reproach us with alienating the affections of the Heir Apparent. Does not this address amount to rivalry confessed ; sapping the foundations of that national confidence, without which oaths are empty air, and bonds dead letter parchment ; turning those cordial affections,
which

which the great outlines of our respective situations with regard to each other have mutually sown and cultivated in our minds; into jealousies and heart-burnings, ever virulent and lasting, in proportion to the wounded affections from which they proceed.

F I N I S.

(55)

which the great outlines of the picture have
been with a few strokes of the brush
roughly sketched in. The artist has
not yet finished the drawing, and the
work is in progress.

